

REMARKS

The following remarks are fully and completely responsive to the Office Action dated October 26, 2004. Claims 1-7 are pending in this application. In the outstanding Office Action, claims 1 and 7 were rejected under 35 U.S.C. § 102(e). Claims 2-6 were acknowledged as containing allowable subject matter but were objected to as being dependent upon a rejected base claim. No new matter has been added. Claims 1-7 are presented for consideration.

35 U.S.C. § 102(e)

Claims 1 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kurosaki (U.S. Patent No. 6,751,133). In making this rejection, the Office Action asserts that this reference teaches each and every element of the claimed invention.

Kurosaki was filed in the United States on September 18, 2002. In contrast, the priority date for the present application is September 13, 2002. Enclosed is a Verified Translation of the priority document in order to perfect Applicants' priority date of September 13, 2002. Since the priority date of the present application is prior to the U.S. filing date of Kurosaki, this reference has been removed as a prior art reference. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 1 and 7 under 35 U.S.C. § 102(e).

Allowable Subject Matter

The Office Action admits that claims 2-6 contain allowable subject matter, but objects to these claims as being dependent upon a rejected base claim. As discussed above, Kurosaki has been removed as a proper prior art reference. Accordingly, claims 2-6 are dependent upon allowable claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claims 2-6.

Conclusion

Applicants' remarks have overcome the objections and rejections set forth in the Office Action dated October 26, 2004. Specifically, Applicants' remarks and Verified Translation of the priority document have removed Kurosaki as a proper prior art reference and thus overcome the rejection of claims 1-7 under 35 U.S.C. § 102(e). Claims 2-6 were indicated as containing allowable subject matter, but were objected to as being dependent upon a rejected base claim. Since the rejection of the base claim is not proper, as discussed above, Applicants have overcome the objection to these claims. Accordingly, claims 1-7 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 1-7.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 100353-00172.

Respectfully submitted,
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Enclosures: Petition for Extension of Time
Verified Translation

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